IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 3305 of 2003
Date of Decision: 24.01.2007

Mohinder Kaur ...Appellant

Vs.

State of Haryana & Ors. ...Respondents

CORAM Hon'ble Mr.Justice Vinod K.Sharma

Present: Mr.S.S.Virk, Advocate,
for the appellant.

Mr.Amit Kaushik, Assistant Advocate General,
Haryana, for respondents No.1 and 2.

Vinod K.Sharma, J. (Oral)

Present appeal has been filed by the appellant-claimant against the award passed by the learned Motor Accident Claims Tribunal, Chandigarh (for short the Tribunal).

The appellant-claimant had moved an application under Section 166 of the Motor Vehicles Act claiming compensation on account of death of Sohan Singh in a motor vehicular accident which took place on 17.3.2001 on the dividing road of Sectors 21 and 22, Chandigarh.

The learned Tribunal on issue No.1 came to the conclusion that Mehar Chand was driving the bus No.HR-07-B-8774 rashly and negligently and caused the accident resulting into the death of Sohan Singh. However,

on issue No.2 the claimant was held entitled to a compensation of Rs.1,54,000/-.

The learned counsel for the appellant has only challenged the finding of learned Tribunal on issue No.2. The contention of the learned counsel for the appellant is that the learned Tribunal after assessing the income of the deceased at Rs.3000/- per month has wrongly imposed a cut of Rs.1500/- towards his personal expenses. There is force in the contention raised by the learned counsel for the appellant as it was not open to the Tribunal to impose a cut of 50 per cent for personal expenses merely on the ground that son and daughters of the deceased were not dependent upon the appellant. The deduction in the income is to be made qua the expenses which were being spent on his person by the deceased and it cannot be said that a deceased would have been spending more than one third of the income for his personal use. The annual dependency is held to be Rs.24,000/- and after applying multiplier of 8, total compensation payable would be Rs.1,92,000/-. Finding on issue No.2 of the learned Tribunal is accordingly, reversed and it is held that the appellant-claimant would be entitled to a total compensation to the tune of Rs.1,92,000/-. In addition, the claimant-appellant would also be entitled to interest at the rate of 9 per cent per annum from the date of application till the realisation on the enhanced amount.

With this modification the appeal is disposed of.

(Vinod K.Sharma)
Judge

24.01.2006
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